



Office of the Attorney General  
State of Texas

January 17, 1997

DAN MORALES  
ATTORNEY GENERAL

Ms. Maria Elena Ramon  
Legal Services Division  
Texas General Land Office  
1700 North Congress Avenue  
Austin, Texas 78701-1495

OR97-00102

Dear Ms. Ramon:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 103090.

The Texas General Land Office ("GLO") received a request for eight categories of information. Of the requested information, you only ask this office whether the GLO may withhold certain responsive memoranda from disclosure. You claim that the memoranda are excepted from required public disclosure pursuant to section 552.111 of the Government Code. We have considered the exception you claim and have reviewed the sample document you have submitted.<sup>1</sup>

Section 552.111 excepts "an interagency or intraagency memorandum or letter that would not be available by law to a party in litigation with the agency." In Open Records Decision No. 615 (1993), this office reexamined the predecessor to the section 552.111 exception in light of the decision in *Texas Department of Public Safety v. Gilbreath*, 842 S.W.2d 408 (Tex. App.--Austin 1992, no writ), and held that section 552.111 excepts only those internal communications consisting of advice, recommendations, opinions, and other material reflecting the policymaking processes of the governmental body. An agency's policymaking functions, however, do not encompass internal administrative or personnel matters; disclosure of information relating to such matters will not inhibit free discussion

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<sup>1</sup>In reaching our conclusion here, we assume that the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. See Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

among agency personnel as to policy issues. Open Records Decision No. 615 (1993) at 5-6. In addition, section 552.111 does not except from disclosure purely factual information that is severable from the opinion portions of internal memoranda. *Id.* at 4-5. While some of the information in the document at issue pertains to the policy functions of the GLO, some of the information contained in the document is purely factual. We have marked those portions of the document that may be withheld from required public disclosure under section 552.111. The remaining information must be released.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Don Ballard  
Assistant Attorney General  
Open Records Division

JDB/ch

Ref: ID# 103090

Enclosures: Marked documents

cc: Mr. T. Wade Jefferies  
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(w/o enclosures)